

Remarks

Claims 1-9 are pending in this application. Applicant has amended claim 3 to correct a typographical error. Applicant respectfully requests favorable reconsideration of this application.

The Examiner reject claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent publication 2002/0033848 to Sciammarella. The Examiner rejected claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Sciammarella in view of U.S. patent 5,677,708 to Matthews, III et al.

Sciammarella does not disclose the present invention as recited in claim 1 since, among other things, Sciammarella does not disclose a graphical user interface that includes a series of panels when presented to the display screen will appear to occupy a two-dimensional space extending in an approximate semi-circular fashion along the bottom and the adjacent sides of the display screen. Rather, Sciammarella discloses displaying thumbnail representatives in a semi-circular fashion along the bottom of "an upper half" of the screen and filenames corresponding to the thumbnails appear in an arc of a second ring that is symmetric to, but inverse from the thumbnail arc. Sciammarella describes this at page 3, paragraph 55. Additionally, this is illustrated by Fig. 2 of Sciammarella, which shows a circle layout embodiment of thumbnails. Also, Fig. 21 of Sciammarella provides a graphical view that explains the form of the circle layout embodiment.

It follows that Sciammarella does not disclose "a selection cursor ... overlaid one panel presented at the bottom of the display screen," Sciammarella does not disclose such a panel presented at the bottom of the display screen. Furthermore, Sciammarella does not disclose a selection cursor being "selectively scrollable through the series of panels ... to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof" which is "arranged to cause the indicated panel to be pulled down and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with it." Rather, as described as described at page 4, paragraph 74, Sciammarella discloses that "the center of the focus thumbnail serves as the unmoving axis of the pivoting movement." Additionally, at page 4, paragraph 77, Sciammarella states, "that the focus outline remains generally at the center of the screen," and that the focus "can also be moved slightly towards the adjacent thumbnail as the adjacent thumbnail is shifted towards center." Thus, it is clear that Sciammarella discloses a selection cursor that is essentially static at the center of the screen and that thumbnails move into the cursor "focus". In other words, the thumbnails are not pulled down by the selection cursor and stopped in a position at the bottom of the display screen.

Sciammarella does not disclose the present invention as recited in claim 3 since, among other things, Sciammarella does not disclose scrolling a selection cursor to any panel other than the focus panel. Thus, Sciammarella does not disclose scrolling the selection cursor, much less altering the transport speed of panels as a user scrolls the selection cursor, as recited in claim 3. Rather, as stated in the second paragraph on page 5 of the office action, Sciammarella only specifies that "When the continuous browsing input continues for longer than certain duration of time, the speed at which the thumbnails move is accelerated." This is described by Sciammarella

at page 5, paragraph 81.

It follows that Sciammarella does not disclose the present invention as recited in claim 4, which includes controlling transport speed of the series of panels when scrolled based on the frequency of user input commands for scrolling the selection cursor up the panels appearing at either side of the display screen. Sciammarella does not disclose scrolling. Also, according to Sciammarella speed is dependent on duration, not frequency, of user input.

In view of the above, Sciammarella does not disclose all elements of the present invention as recited in claim 1, or claims 2-5, which depend from claim 1. Since Sciammarella does not disclose all elements of the present invention as recited in claims 1-5, the present invention, as recited in claims 1-5, is not properly rejected under 35 U.S.C. § 102(e). For an anticipation rejection under 35 U.S.C. § 102(e) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

The combination of Sciammarella and Matthews, III et al. does not suggest the present

invention as recited in claims 6-9 since, among other things, the combination does not suggest a graphical user interface that includes a series of panels when presented to the display screen will appear to occupy a two-dimensional space extending in an approximate semi-circular fashion along the bottom and the adjacent sides of the display screen. Sciammarella suggests displaying thumbnail representatives in a semi-circular fashion along the bottom of "an upper half" of the screen and filenames corresponding to the thumbnails appear in an arc of a second ring that is symmetric to, but inverse from the thumbnail arc. Matthews, III et al. does not suggest such an interface. Providing the interface suggested by Sciammarella with the information markers suggested by Matthews et al., III et al. does not suggest the aspects of the interface missing from Sciammarella. Therefore, the combination of Sciammarella and Matthews, III et al. does not suggest the present invention as recited in claims 6-9

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not disclose or suggest patentable features of the present invention. Therefore, the reference relied upon in the office action, whether considered alone or in combination, do not anticipate the present invention or make the present invention obvious. Accordingly, Applicant submits that the present invention is patentable over the cited references and respectfully requests withdrawal of the rejection based on the cited references.


If an interview would advance the prosecution of this application, Applicant respectfully urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit

overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 12/7/07

A handwritten signature in black ink, appearing to read "Eric J. Franklin", written over a horizontal line.

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